

1 IN THE BOARD OF COUNTY COMMISSIONERS

2 FOR WASHINGTON COUNTY, OREGON

3  
4 ORDINANCE 583

( An Ordinance Amending the  
( Community Development Code Element  
( of the Comprehensive Plan Relating to  
( Accessory Dwelling Units

5 The Board of County Commissioners of Washington County, Oregon, ordains:

6 SECTION 1

7 A. The Board of County Commissioners of Washington County, Oregon, recognizes that  
8 the Community Development Code element of the Comprehensive Plan (Volume IV) was readopted  
9 with amendments on September 9, 1986, by way of Ordinance No. 308, with portions subsequently  
10 amended by Ordinance Nos. 321, 326, 336-341, 356-363, 372-378, 380, 381, 384-386, 392, 393, 397,  
11 399-403, 407, 412, 413, 415, 417, 421, 422, 423, 428-434, 436, 437, 439, 441-443, 449, 451-454,  
12 456, 457, 462-464, 467-469, 471, 478-481, 486-489, 504, 506-512, 517-523, 525-526, and 528.

13 B. Subsequent ongoing planning efforts of the County indicate a need for changes to the  
14 Community Development Code in order to provide for more flexibility in siting accessory dwelling  
15 units. The Board takes note that such changes are necessary for the benefit of the health, safety, and  
16 general welfare of the residents of Washington County, Oregon.

17 C. Under the provisions of Washington County Charter Chapter X, the Land Use  
18 Ordinance Advisory Commission has carried out its responsibilities, including preparation of notices,  
19 and the County Planning Commission has conducted public hearings processes on the proposed  
20 amendments and has submitted its recommendations to the Board. The Board finds that this  
21 Ordinance is based on that recommendation and any modifications made by the Board, as a result of  
22 the public hearings process.

1 D. The Board finds and takes public notice that it is in receipt of all matters and  
2 information necessary to consider this Ordinance in an adequate manner, and that this Ordinance  
3 complies with the Statewide Planning Goals, the Metro Urban Growth Management Functional Plan,  
4 and the standards for legislative plan adoption, as set forth in Chapters 197 and 215 of the Oregon  
5 Revised Statutes, the Washington County Charter, and the Washington County Community  
6 Development Code.

7 SECTION 2

8 The following exhibit, attached and incorporated herein by reference, is hereby adopted as the  
9 amendment to the designated document:

- 10 A) Exhibit "1" (2 pages) amending sections 430-117, Single Family  
11 Accessory Dwelling Unit.

12 SECTION 3

13 All other Comprehensive Plan provisions that have been adopted by prior ordinance, which  
14 are not expressly amended or repealed herein, shall remain in full force and effect.

15 SECTION 4

16 All applications completed and submitted under former land use ordinances shall continue to  
17 be processed pursuant to the provisions of the former ordinance, until a final decision is rendered by  
18 the County or the application is withdrawn, unless specifically provided otherwise by law.

19 SECTION 5

20 If any portion of this Ordinance, including the exhibits, shall for any reason be held invalid or  
21 unconstitutional by a body of competent jurisdiction, the remainder shall not be affected thereby and  
22 shall remain in full force and effect, and any provision of a prior land use ordinance amended or

1 repealed by the stricken portion of this Ordinance shall be revived and again be considered in full  
2 force and effect.

3 SECTION 6

4 The Office of County Counsel and Department of Land Use and Transportation are authorized  
5 to prepare planning documents to reflect the changes adopted under Section 2 of this Ordinance,  
6 including deleting and adding textual material and maps, renumbering pages or sections, and making  
7 any technical changes not affecting the substance of these amendments as necessary to conform to the  
8 Washington County Comprehensive Plan format.

9 SECTION 7

10 This Ordinance shall take effect on November 21, 2001.

11 ENACTED this \_\_\_ day of \_\_\_\_\_, 2001, being the \_\_\_\_\_ reading and \_\_\_\_\_  
12 public hearing before the Board of County Commissioners of Washington County, Oregon.

13 BOARD OF COUNTY COMMISSIONERS  
14 FOR WASHINGTON COUNTY, OREGON

15 \_\_\_\_\_  
CHAIRMAN

16 \_\_\_\_\_  
RECORDING SECRETARY

17 READING

17 PUBLIC HEARING

18 First \_\_\_\_\_

\_\_\_\_\_

19 Second \_\_\_\_\_

\_\_\_\_\_

20 Third \_\_\_\_\_

\_\_\_\_\_

21 Fourth \_\_\_\_\_

\_\_\_\_\_

Fifth \_\_\_\_\_

\_\_\_\_\_

22 VOTE: Aye: \_\_\_\_\_

Nay: \_\_\_\_\_

Recording Secretary: \_\_\_\_\_ Date: \_\_\_\_\_

The Community Development Code is amended as follows:

**430-117 Single Family Accessory Dwelling Unit**

A single family accessory dwelling unit is a secondary, self-contained dwelling unit that may be allowed in conjunction with a detached single-family dwelling. Accessory dwelling units are subordinate in size, location, and appearance to the primary detached single family dwelling. An accessory dwelling unit generally has its own outside entrance and always has a separate kitchen and bathroom. An accessory dwelling unit may be located either within, attached to, or detached from the primary detached single family dwelling unit. Only one accessory dwelling unit may be created in conjunction with a detached single family dwelling unit. The density requirements of Section 300-2 are not applicable to single family accessory dwelling units. A single family accessory dwelling unit may be provided when the standards of Section 430-117.1 are met.

430-117.1 A single family accessory dwelling unit may be provided in conjunction with a detached single family dwelling in the R-5, R-6, R-9, R-15, R-24, R-25+, TO:R9-12 or TO:R12-18 Districts, when the following standards are met:

- A. One accessory dwelling unit may be located within or added to the primary dwelling, added to or over an attached or detached garage, or constructed as a detached single-story structure. An accessory dwelling may be constructed as part of a new single-family dwelling. (See Figure 1 for examples of Accessory Dwelling Units);
- B. ~~The accessory dwelling unit shall not exceed six hundred (600) square feet in floor area. The maximum size of an accessory dwelling unit shall meet the applicable standard listed below:~~
  - (1) The floor area of an accessory dwelling unit may be as large as 50% of the existing dwelling's total floor area (excluding the garage) only when both of the following circumstances apply:
    - (a) the accessory dwelling unit will occupy an entire floor of the existing dwelling; and,
    - (b) no additional floor area is added to the dwelling.
  - (2) In all other situations the total floor area of an accessory dwelling shall not exceed 600 square feet. However, the Review Authority may grant an increase to the floor area requirement to accommodate a resident with a disability when the additional area is needed to meet requirements of the American Disabilities Act or the Uniform Building Code. The additional floor area shall not be greater than the minimum area needed to accommodate the disability;
- C. An accessory dwelling unit shall contain a kitchen, bathroom and sleeping area that is completely independent of the primary dwelling;
- D. An accessory dwelling unit may not be created through the conversion of garage space for living space (i.e., this standard does not include the conversion of the attic space above a garage);

Abcde = proposed additions

~~Abcde~~ = proposed deletions

- E. An accessory dwelling unit that is attached to the primary dwelling shall share a common wall, roof and foundation;
- F. An accessory dwelling unit shall meet the following setback standards:
  - (1) A detached accessory dwelling unit shall be located behind or a minimum of twenty (20) feet behind the front façade foundation of the primary dwelling and for all other types of accessory dwelling units, the minimum front yard setback shall be that of the underlying land use district;
  - (2) The minimum side yard setback for an accessory dwelling unit shall be five (5) feet; and,
  - (3) The minimum rear yard setback for an accessory dwelling unit shall be no less than that required by the underlying district. However, when the site abuts a residential district that is not a transit oriented district, the rear yard shall be no less than that required by the abutting district;
- G. The entrance to the accessory dwelling unit shall not face the front property line;
- H. The exterior appearance of any construction to create the accessory dwelling unit shall be architecturally consistent with the exterior of the primary dwelling (e.g., similar exterior building materials, window treatment and colors, architectural style, roofing form, and other architectural features);
- I. At least one (1) off-street parking space shall be provided for the accessory dwelling unit;
- J. The accessory dwelling unit may not be occupied prior to occupancy of the primary dwelling;
- K. A home occupation shall not be conducted from either primary or accessory dwelling units, except as provided for by Section 201-2.18;
- L. Either the primary or accessory dwelling units shall be occupied by the property owner at any time the accessory dwelling unit is occupied;
- M. The primary dwelling shall be at least two-stories when the accessory dwelling unit is to be provided over a garage; and
- N. A minimum contiguous rear or side yard outdoor area of four-hundred and fifty (450) square feet shall be provided on the lot, of which no dimension shall be less than ten (10) feet.

Abcde = proposed additions

~~Abcde~~ = proposed deletions